



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-13

Legistar #: 20130237

Board of Zoning Appeals Hearing: Monday, March 25, 2013 – 6:00 p.m.

Petitioner/Agent: J. Kevin Moore
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
326 Roswell Street
Marietta, GA 30060

Property Owner: Anna K. Norris
405 St. Mary's Lane, N. W.
Marietta, GA 30064

Address: 405 St. Mary's Lane

Land Lot: 10830 District: 16 Parcel: 0020 & 0360

Council Ward: 4 Existing Zoning: R-2 (Single Family Residential 2 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to waive the minimum standards for parking and driveway surfaces so as to allow the use of slate chips for driveway. [§716.08 (B)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



405 Saint Mary's Lane – eastern driveway access (concrete)



405 Saint Mary's Lane – eastern driveway access (slate chips)

Recommended Action:

Conditional approval. Anna Norris, owner of 405 & 409 Saint Mary's Lane, is requesting a variance for a newly installed driveway on her property. The subject property and all surrounding properties are zoned R-2 (Single Family Residential – 2 units per acre) and contain single family detached residences.

The applicant has recently had a slate driveway extended from the existing concrete driveway, essentially forming a circular driveway. The eastern, existing driveway access is concrete and the western, new driveway access is slate. Section 716.08 (B) does not permit the use of any surface other than brick, concrete, or asphalt. The applicant indicates that an advantage of a slate driveway over a traditional surface is that it will allow water to infiltrate, an important feature for properties that contain large trees such as this one. The use of a pervious surface material at the site should not negatively impact nearby properties or the community as a whole. The applicant has also provided letters from the neighbors on either side stating they have no objection to the driveway.

The City's Public Works Department has had trouble in the past with loose fill surfaces such as gravel spilling out into the right of way by exiting cars. The City's Public Works Department has requested that, should the BZA approve this variance, the applicant be required to install a 20' deep concrete apron where the slate driveway meets the road in order to minimize loose material entering the roadway. As a result, staff recommends approval of this variance with this stipulation from Public Works.

Additionally, the Board of Zoning Appeals has heard and approved similar requests in the past, although this is the first case in which such a request has been made for a single family residential property within an established neighborhood.

Case #	Address	Zoning
V-95052	1014 Industrial Park Dr	LI
V-96042	2032 Airport Ct	LI
V-98023	Dickson Rd	LI
V-98029	424 Glover St	LI
V2000-31	2068 Airport Ind Pk Dr	LI
V2001-01	279 Washington Ave	OI
V2001-03	1551 West Oak Dr	CRC
V2008-17	1018 Powder Springs St	R-2
V2013-08	33 Garrison Rd	OIT

In summary, *staff recommends approval of this variance with the following stipulation:*

- 1. A concrete apron with a minimum length of 20', measured from where the slate driveway meets the right of way, must be installed.*